

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ROBERT BENNING BALTHROPE II,

Plaintiff,

v.

SACRAMENTO COUNTY BOARD OF
SUPERVISOR, *et al.*,

Defendants.

Case No. 3:17-cv-00107-MMD-WGC

ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE
WILLIAM G. COBB

Before the Court is the Report and Recommendation of United States Magistrate Judge William G. Cobb (ECF No. 3) (“R&R” or “Recommendation”) relating to plaintiff’s application for leave to proceed *in forma pauperis* (ECF No. 1) and proposed pro se complaint (ECF No. 1-1). Plaintiff had until March 13, 2017, to file an objection. To date, no objection to the R&R has been filed.

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the court is required to “make a *de novo* determination of those portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s report and recommendation where no objections have been filed. See

1 *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard
2 of review employed by the district court when reviewing a report and recommendation to
3 which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,
4 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the
5 view that district courts are not required to review "any issue that is not the subject of an
6 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then
7 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.
8 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to
9 which no objection was filed).

10 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
11 determine whether to adopt Magistrate Judge Cobb's R&R. The Magistrate Judge
12 recommends dismissing this action without prejudice because it appears that the court
13 lacks personal jurisdiction over the defendants. (ECF No. 3.) The proposed complaint
14 names defendants who are not citizens of Nevada and the alleged events supporting the
15 claims do not have any connection to this District. Upon reviewing the R&R and
16 proposed complaint, this Court finds good cause to accept and adopt the Magistrate
17 Judge's R&R in full.

18 It is therefore ordered, adjudged and decreed that the Report and
19 Recommendation of Magistrate Judge William G. Cobb (ECF No. 3) is accepted and
20 adopted in its entirety.

21 It is further ordered that this action is dismissed without prejudice.

22 It is further ordered that the *application to proceed* in forma pauperis is denied as
23 moot.

24 The Clerk is directed to close this case.

25 DATED THIS 23rd day of March 2017.

26
27 

28 MIRANDA M. DU
UNITED STATES DISTRICT JUDGE